

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

MONDAY, THE 10TH DECEMBER 2007 / 19TH AGRAHAYANA 1929

WP(C).No. 29772 of 2007(T)

PETITIONER:

**K.BHARATHI, LAKE HOUSE,
MADAPPALLY COLLEGE POST,
VADAKARA(VIA), KOZHIKODE DISTRICT.**

**BY ADV. SRI.C.VATHSALAN
SRI.GHOSH YOHANNAN
SRI.K.RAKESH ROSHAN
SMT.THUSHARA.V**

RESPONDENTS:

- 1. STATE OF KERALA, REPRESENTED BY THE
PRINCIPLE SECRETARY, FINANCE DEPARTMENT(PENSION),
SECRETARIAT, THIRUVANANTHAPURAM.**
- 2. LAND REVENUE COMMISSIONER,
OFFICE OF THE LAND REVENUE COMMISSIONER,
PUBLIC OFFICE BUILDING, MUSEUM JN.,
THIRUVANANTHAPURAM.**
- 3. DISTRICT COLLECTOR,
COLLECTORATE, KANNUR.**
- 4. THE ACCOUNTANT GENERAL(AE),
KERALA, M.G.ROAD, THIRUVANANTHAPURAM.**

BY GOVERNMENT PLEADER SRI. MANOJ KUMAR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 10/12/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

V.GIRI, J.

W.P.(C)No.29772 of 2007

Dated this the 10th day of December 2007

JUDGMENT

Petitioner is the widow of one Balram, who retired from government service as Deputy Collector, higher grade on 31.12.1980. Apparently pension was sanctioned to Balram as evidenced by Ext.P1 taking into account his service from 1961 onwards. There are no materials to show that Balram had claimed benefit for any service prior to 1961. Learned counsel for the petitioner submits that reference to Ext.P6 would show that Balram was confirmed as a Head Accountant with effect from 1.11.1958. It further shows that there are no further details of any service rendered by Balram in the NGO cadre available in that office. It seems that the petitioner, the widow of Balram had approached the department for revision of the family pension only in the year 2005, about three years after Balram's death. Pursuant to a direction issued by this court, the department undertook strenuous efforts to trace out the details of the service rendered by Balram prior to the date reckoned for the purpose of Ext.P1. Except the details mentioned in Ext.P6, apparently, no other details are available to

indicate any service rendered by Balram prior to 1958. Learned counsel for the petitioner refers to Ext.P5 which is a communication issued by the Deputy Commissioner, Mangalore to the District Collector, Kannur enclosing therewith the acquittance roll for having paid salary to Balram during February to April 1950. Counsel for the petitioner submits that this will show that Balram was in service from 1950 onwards. Learned special government pleader submits that efforts were made to find out whether there is any material to show service prior to 1950's. There are no records indicating any such service. Ext.P5 is too sketchy to conclude that Balram had commenced service from 1950.

2. In the result, after hearing both sides, the writ petition is disposed of directing the first respondent to pass orders revising the pension and other benefits payable under the account of late V.Balram, former Deputy Collector, by taking into account, his service with effect from 1.11.1958. Revised pension and other consequential benefits shall be disbursed within a period of three months from the date of receipt of a copy of this judgment.

V.GIRI, JUDGE

CSS

